IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

W.A.No. 557 of 2007()

(Against the judgment dated 18/1/2007 in W.P.(C).No.18209/2006)

APPELLANT: (PETITIONER IN THE WRIT PETITION):

THE KERALA STATE ROAD TRANSPORT
CORPORATION, REPRESENTED BY ITS
CHAIRMAN AND MANAGING DIRECTOR, TRANSPORT BHAVAN,
FORT, THIRUVANANTHAPURAM.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS: (RESPONDENTS IN THE W.P):

1. KSRTC APPELLATE TRIBUNAL,
THIRUVANANTHAPURAM.

2. SRI. K.R.RAJENDRAN PILLAI,
KOTHAKURICHI VEEDU,
WEST VENGOLA P.O.,
PERUMBAVOOR.

R2 BY ADV. SRI.S.EASWARAN

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 10/04/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC,JJ.

W.A.NO.557 OF 2007

Dated this the 10th day of April, 2007

JUDGMENT

Raman,J.

Appellant is the Kerala State Road Transport Corporation, which is the petitioner in W.P.(C).No.18209/2006. Second respondent herein was a bus Conductor under the appellant-Corporation. Disciplinary proceedings were initiated against him under Rule 15 of the Kerala Civil Services (Classification, Control and Appeal) Rules for the alleged misconduct and misappropriation of Corporation revenue. In the enquiry conducted he was found guilty. The disciplinary Authority came to the conclusion that continuance of the 2nd respondent in service will be detrimental and imposed punishment of removal from service, which was eventually confirmed in appeal filed by the 2nd respondent. On further appeal the Tribunal set aside the orders of the disciplinary Authority and the Appellate Authority and ordered reinstatement of the 2nd respondent in service. This was the subject matter of challenge in the writ petition. The learned Single Judge found that the Tribunal has considered all the relevant questions and has given cogent reasons for its decision. Such decision rendered by the

quasi-judicial Authority cannot be interfered with under Article 226 of the Constitution of India. It was observed that the confession statement and the signature contained in such statement were found as not genuine by the Tribunal. It was also observed that the cash bag in question was not verified by the Inspector. Finally the writ petition was dismissed, against which the present appeal is filed.

2. After arguing the matter for some time, this Court suggested to work out the possibilities of reaching a compromise, especially since the Tribunal has ordered reinstatement with all consequential benefits including back wages. The parties thereafter sat together and arrived at a compromise and a joint statement signed by both the counsel appearing for the parties has been filed.

3. Even though the finding of the Tribunal was contended to be not justifiable, the Corporation agreed to reinstate the 2nd respondent. However, in the matter of back wages they pleaded that necessary relief be granted. It was in these circumstances that the parties were directed to work out the compensation payable, in case the 2nd respondent is to be reinstated. It is agreed between the parties that the compensation worked out as the half wages payable from the date of suspension, namely, 11/6/2002 till the date of removal, namely, 15/3/2003 will be paid. It is

also agreed that the full amount from May, 2006 to March 2007 will be paid over and above half the back wages as mentioned above. Thus, the total amount payable comes to Rs.3,84,175/- and if the subsistence allowance already paid is deducted therefrom, the total amount payable comes to Rs.3,33,957/- inclusive of the festival allowance. The joint statement is recorded. Accordingly, we modify the judgment of the learned Single Judge as follows:

1) As held by the Tribunal the 2nd respondent will be reinstated in service within two weeks.

2) He will also be paid an amount of Rs.3,33,957/- within a period of one month.

Writ Appeal is disposed of as above.

P.R.RAMAN,
Judge.

ANTONY DOMINIC,
Judge.

kcv.